

JOURNAL OF THE SENATE

EIGHTY-SEVENTH SESSION

TWENTIETH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 13, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Mark McCormick, followed by the Pledge of Allegiance led by Senate page Thea Rave.

Roll Call: All members present except Sen. Krebs who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the nineteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Bob Gray, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1183 and 1232 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Jean M. Hunhoff, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 128 and HB 1203 and returns the same with the recommendation that said bills do pass.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 171, which was reconsidered, and returns the same with the recommendation that said bill be amended as follows:

171fb

On the printed bill, delete everything after the enacting clause and insert:

"Section 1. If any error is made to the printing of the ballot or in the conduct of the person in charge of the election for any nonfederal or nonstate election that disqualified a number of ballots that is equal to or greater than the margin of the total votes cast for a candidate or ballot question as determined by a court order, a runoff shall be conducted. The cost of the runoff election shall be paid by the political subdivision that made the error."

171ftb

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "provide for a runoff election under certain circumstances when errors have been made to the ballot printing or by the person in charge of the election."

And that as so amended said bill do pass.

Respectfully submitted,
Todd Schlekeway, Chair

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 181
3 and returns the same with the recommendation that said bill do pass.

4 Also MR. PRESIDENT:

5 The Committee on Judiciary respectfully reports that it has had under consideration SB 10
6 and returns the same with the recommendation that said bill be amended as follows:

7 10jb

8 On page 1, line 5, of the printed bill, after "boat" insert "as defined in subdivisions 42-8-
9 2(2b), (3), (5a), or (6)".

10 10oa

11 On page 2, line 2, of the printed bill, delete "combination of an alcoholic beverage" and
12 insert "other substance".

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on Judiciary respectfully reports that it has had under consideration SB 172
16 which was deferred to the 41st Legislative Day.

17 Respectfully submitted,
18 Craig Tieszen, Chair

19 Also MR. PRESIDENT:

20 The Committee on Appropriations respectfully reports that it has had under consideration
21 SB 77, 98, and 139 and HB 1040 and 1041 and returns the same with the recommendation that
22 said bills do pass.

23 Also MR. PRESIDENT:

24 The Committee on Appropriations respectfully reports that it has had under consideration
25 HB 1042 and 1043 and returns the same with the recommendation that said bills do pass and
26 be placed on the consent calendar.

27 Respectfully submitted,
28 Corey Brown, Chair

1 Also MR. PRESIDENT:

2 The Committee on Taxation respectfully reports that it has had under consideration SB 95
3 and HB 1029 and 1223 and returns the same with the recommendation that said bills do pass.

4 Respectfully submitted,
5 Tom Hansen, Chair

6 Also MR. PRESIDENT:

7 The Committee on State Affairs respectfully reports that it has had under consideration
8 SB 105 and returns the same with the recommendation that said bill do pass.

9 Also MR. PRESIDENT:

10 The Committee on State Affairs respectfully reports that it has had under consideration
11 SB 170, which was removed from the table, and returns the same with the recommendation that
12 said bill be amended as follows:

13 170oa

14 On the printed bill, delete everything after the enacting clause and insert:

15 "Section 1. The Legislature shall enact laws favorable to increasing employment and
16 expanding the tax base in South Dakota."

17 170ota

18 On page 1, line 1 of the printed bill, delete everything after "to" and insert "provide for the
19 enhancement of economic development in South Dakota."

20 On page 1, delete line 2.

21 And that as so amended said bill do pass.

22 Also MR. PRESIDENT:

23 The Committee on State Affairs respectfully reports that it has had under consideration
24 SB 188 and returns the same with the recommendation that said bill be amended as follows:

25 188ra

26 On the printed bill, delete everything after the enacting clause and insert:

1 "Section 1. The Legislature finds that to increase research and technology-related economic
2 activity in South Dakota and to expand the opportunities for South Dakota faculty members,
3 researchers, and students to participate in the application of research results and technological
4 innovations in commerce, government, or public service, it is critically important to encourage
5 research opportunities and programs within the regental system. To these ends, the Legislature
6 intends that this Act be construed as authorizing and encouraging coordinated public and private
7 investments in facilities situated on lands controlled by the Board of Regents and designed to
8 support commercial application of research results and technological innovations.

9 Section 2. Terms as used in this Act mean:

10 (1) "Private party lessee or contractor," a business, a nonprofit corporation, or a research
11 park corporation authorized by lease, contract, or agreement with the Board of
12 Regents to construct, finance, operate, maintain, reconstruct, remodel, and manage,
13 at its expense and risk, any research park established pursuant to this Act;

14 (2) "Research," an investigation aimed at the discovery of new knowledge to create a
15 new product or service, a new process or technique, or to bring about a significant
16 improvement in an existing product or process;

17 (3) "Research park," a planned real estate development designed to promote the practical
18 application of university research, to aid the transfer of knowledge, technology, and
19 business skills through collaboration between universities and industry, government,
20 or other organizations that apply research or technology, and to assist in the growth
21 of research-based and technology-led economic development for the community,
22 region, and state, by bringing together universities, institutes, laboratories,
23 businesses, and governmental and other organizations devoted to testing, research,
24 and development activities, to the commercial, governmental, or public policy
25 application of research results or technological innovation, or to the management of
26 research or technology-based enterprises, agencies, or organizations. The term
27 includes such enterprises as may be necessary to support the activities of the primary
28 tenants, their staff, or visitors; and

29 (4) "Research park corporation," any nonprofit corporation formed pursuant to this Act
30 and Title 47 for the purpose of constructing, financing, developing, maintaining, and
31 operating a research park.

32 Section 3. The Board of Regents may utilize state lands under its control for the
33 construction, development, maintenance, and operation of research parks.

34 Section 4. A research park authorized by this Act may accommodate all kinds of facilities,
35 laboratories, businesses, or organizations usually found at research parks affiliated with
36 universities.

37 Section 5. If any lands used for purposes of a research park are determined to be subject to
38 the school and public lands trust established pursuant to S.D. Const., Art. VIII, § 7, then:

1 (1) A civil, state, religious, or public organization seeking to develop and to operate a
2 research park may make application to the commissioner of school and public lands
3 for conveyance pursuant to § 5-9-34. If the Board of Regents agrees to transfer
4 possession of the land, the commissioner may convey defeasible title as provided in
5 § 5-9-35 for the purpose of operating a research park. Upon any reversion, the land
6 shall once again be placed under the control of the Board of Regents as part of the
7 campus from which it was originally severed; or

8 (2) The Board of Regents may select other lands under its control of equal value, as
9 determined by the commissioner of school and public lands, and exchange such other
10 lands for those comprising the research park in order to maintain the principal of the
11 school and public lands trust.

12 Section 6. Any mineral rights to state lands on which a research park has been established
13 shall be administered to support research park operations.

14 Section 7. Notwithstanding any other provision of law, including chapter 5-7, the Board of
15 Regents when approving a research park lease or sublease may lease such portions of the
16 mineral interests reserved to the State of South Dakota in the lands occupied by the research
17 park as may be necessary to permit the research park and its tenants to use geothermal resources
18 for heating or cooling on-site facilities. The mineral interests may be leased on behalf of the
19 State of South Dakota acting by and through the Board of Regents in a manner and upon terms
20 acceptable to the board.

21 Section 8. The commissioner of school and public lands may not authorize the lease of
22 mineral rights if exploitation of such rights would disturb the use of the research park, nor
23 authorize construction of dams, canals, water ditches, or laterals if such structures would impair
24 the use of the research park.

25 Section 9. The Board of Regents may enter into any lease, contract, or agreement with a
26 business, a nonprofit corporation, or a research park corporation to permit that entity, at its
27 expense and risk, to construct, finance, maintain, and operate any research park established
28 pursuant to this Act.

29 Section 10. No lease, contract, or agreement may be construed to authorize the private party
30 lessee or contractor, or any subtenant, creditor, trustee, receiver, lien holder, heir, assignee, or
31 other party claiming an interest or right through such private party lessee or contractor, to use
32 or to permit the use of the research park for purposes other than those specified in this Act.

33 Section 11. The lease, contract, or agreement may permit the private party lessee or
34 contractor, or other parties claiming an interest or right through them, to pledge for
35 commercially reasonable periods of time such rights of use or occupancy as may be possessed
36 in order to obtain financing. However, no such pledge impairs the reversionary interests of the
37 Board of Regents.

1 Section 12. No lease granted pursuant to this Act may have a duration exceeding ninety-nine
2 years.

3 Section 13. Each lease, contract, or agreement shall contain provisions that require
4 commercially reasonable performance by the private lessee or contractor. Each lease, contract,
5 or agreement shall contain provisions that reserve to the Board of Regents the power to enforce
6 the requirements of this Act and of any leases, contracts, or agreements issued pursuant to it,
7 which reserved powers shall include the power of termination.

8 Section 14. Notwithstanding any other provision of law to the contrary, upon termination
9 of any such lease, contract, or agreement, the Board of Regents may take title to all
10 improvements comprising the research park.

11 Section 15. Nothing in this Act authorizes the Board of Regents or any entity operating a
12 research park under a lease, contract, or agreement with the Board of Regents to contract a debt
13 on behalf of, or in any way to obligate, the State of South Dakota, or to pledge, assign, or
14 encumber in any way, or to permit the pledging, assigning, or encumbering in any way, of
15 appropriations made by the Legislature of the State of South Dakota. No debt or liability of a
16 research park is an indebtedness, legal or moral, of the State of South Dakota, and no creditor
17 may have recourse against the State of South Dakota or any fund created or maintained directly
18 or indirectly from state taxation.

19 Section 16. The Board of Regents may form one or more research park corporations,
20 separate and apart from the state, to construct, finance, develop, maintain, and operate research
21 parks or economic development initiatives that support the teaching, research, or service mission
22 of the university system by expanding opportunities for South Dakota faculty members,
23 researchers, and students to participate in the application of research results and technological
24 innovations in commerce, government, or public service.

25 Section 17. Each research park corporation formed pursuant to section 16 of this Act shall
26 be governed by, and all of the corporation's functions, powers, and duties shall be exercised by,
27 a board appointed by the Board of Regents. Each research park corporation shall have the Board
28 of Regents as its sole member. Members of the board may include university presidents, regents,
29 university officers or employees, and other persons selected by the Board of Regents.

30 Section 18. No portion of the net earnings realized by any research park corporation formed
31 pursuant to section 16 of this Act may inure to any director or officer of the corporation or to
32 any private entity or individual.

33 Section 19. No research park corporation formed pursuant to section 16 of this Act may be
34 deemed an agency, public body, or other political subdivision of South Dakota, and no research
35 park corporation formed pursuant to section 16 of this Act may borrow money secured by the
36 State of South Dakota.

37 Section 20. No research park corporation formed pursuant to section 16 of this Act is subject
38 to statutes or rules regulating the conduct of public bodies, including those relating to personnel,
39 procurement of goods and services, board meetings, disposition or acquisition of property,
40 capital outlays, per diem and mileage, and inspection of records. Nothing in this section relieves

1 a research park corporation of the obligation to conform to criminal laws or other statutes of
2 general application.

3 Section 21. A research park corporation formed pursuant to section 16 of this Act shall have
4 all rights, powers, and privileges granted to nonprofit corporations pursuant to Title 47 which
5 are necessary and convenient to carry out and to effectuate the provisions of this Act."

6 188rta

7 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "authorize
8 the establishment, operation, and control of research parks on lands controlled by the Board of
9 Regents."

10 On page 1, delete line 2.

11 And that as so amended said bill do pass.

12 Also MR. PRESIDENT:

13 The Committee on State Affairs respectfully reports that it has had under consideration
14 SB 182, which was removed from the table, which was tabled.

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration
17 SB 147 which was deferred to the 41st Legislative Day.

18 Respectfully submitted,
19 Larry Rhoden, Chair

20 Also MR. PRESIDENT:

21 The Committee on Legislative Procedure respectfully reports that SB 140 was delivered
22 to his Excellency, the Governor, for his approval at 8:45 a.m., February 13, 2012.

23 Also MR. PRESIDENT:

24 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
25 and Enrolling has carefully compared SB 102 and finds the same correctly enrolled.

26 Respectfully submitted,
27 Bob Gray, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to return herewith SCR 3 in which the House has concurred.

Also MR. PRESIDENT:

I have the honor to return herewith SB 102 which has passed the House without change.

Also MR. PRESIDENT:

I have the honor to transmit herewith HB 1107, 1138, 1156, 1188, 1198, 1213, and 1227 which have passed the House and your favorable consideration is respectfully requested.

Respectfully,
Karen Gerdes, Chief Clerk

MOTIONS AND RESOLUTIONS

Sen. Olson moved that SB 49, 71, 192, and 138 be deferred to Tuesday, February 14, the 21st legislative day.

Which motion prevailed.

Sen. Olson moved that HB 1018, 1036, 1088, 1115, 1202, 1049, 1020, 1055, and 1119 be deferred to Wednesday, February 15, the 22nd legislative day.

Which motion prevailed.

CONSIDERATION OF REPORTS OF COMMITTEES

Sen. Olson moved that the reports of the Standing Committees on

Education on SB 85 as found on page 350 of the Senate Journal; also

Education on SB 130 as found on page 351 of the Senate Journal; also

Transportation on SB 80 as found on page 356 of the Senate Journal; also

- 1 Appropriations on SB 48 as found on page 359 of the Senate Journal; also
2 Appropriations on SB 82 as found on page 360 of the Senate Journal; also
3 Appropriations on SB 193 as found on page 360 of the Senate Journal; also
4 State Affairs on SB 187 as found on page 361 of the Senate Journal be adopted.
5 Which motion prevailed.

6 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

- 7 HB 1107: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
8 bonding authority of the South Dakota Conservancy District.

- 9 Was read the first time and referred to the Committee on Agriculture and Natural
10 Resources.

- 11 HB 1138: FOR AN ACT ENTITLED, An Act to declare that any person who maintains
12 or provides roll-your-own cigarette machines at retail establishments are cigarette
13 manufacturers.

- 14 Was read the first time and referred to the Committee on Commerce and Energy.

- 15 HB 1156: FOR AN ACT ENTITLED, An Act to revise procedures and requirements
16 relating to special assessments and the financing of local improvements.

- 17 Was read the first time and referred to the Committee on Local Government.

- 18 HB 1188: FOR AN ACT ENTITLED, An Act to provide widows and widowers of certain
19 veterans free or reduced fees for certain hunting and fishing licenses and admission to state
20 parks and other facilities.

- 21 Was read the first time and referred to the Committee on Agriculture and Natural
22 Resources.

- 23 HB 1198: FOR AN ACT ENTITLED, An Act to revise the definition of firearm to include
24 certain antique, muzzle-loading, and black powder weapons in certain circumstances.

- 25 Was read the first time and referred to the Committee on Agriculture and Natural
26 Resources.

1 HB 1213: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
2 liability for torts and product identification requirements.

3 Was read the first time and referred to the Committee on Judiciary.

4 HB 1227: FOR AN ACT ENTITLED, An Act to revise certain provisions with regard to
5 the rights of industrial and construction equipment dealers.

6 Was read the first time and referred to the Committee on Commerce and Energy.

7 **CONSIDERATION OF CONSENT CALENDAR EXECUTIVE APPOINTMENTS**

8 The Senate proceeded to the consideration of the executive reappointment of Dennis
9 Neugebauer of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building
10 Authority.

11 The question being "Does the Senate advise and consent to the executive reappointment
12 of Dennis Neugebauer pursuant to the executive message as found on page 205 of the Senate
13 Journal?"

14 And the roll being called:

15 Yeas 34, Nays 0, Excused 1, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
18 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
19 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
20 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

21 Excused:

22 Krebs

23 So the question having received an affirmative vote of a majority of the members-elect, the
24 President declared the reappointment confirmed.

25 The Senate proceeded to the consideration of the executive appointment of Douglas J.
26 Hajek of Minnehaha County, Sioux Falls, South Dakota, to the South Dakota Building
27 Authority.

28 The question being "Does the Senate advise and consent to the executive appointment of
29 Douglas J. Hajek pursuant to the executive message as found on page 205 of the Senate
30 Journal?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
5 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
6 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
7 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

8 Excused:

9 Krebs

10 So the question having received an affirmative vote of a majority of the members-elect, the
11 President declared the appointment confirmed.

12 **SECOND READING OF CONSENT CALENDAR ITEMS**

13 SB 158: FOR AN ACT ENTITLED, An Act to create an exception to the loan or credit
14 limitations of state chartered banks.

15 Was read the second time.

16 The question being "Shall SB 158 pass as amended?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
21 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
22 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
23 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

24 Excused:

25 Krebs

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 148: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to battery
29 committed against infants and unborn children.

1 Was read the second time.

2 The question being "Shall SB 148 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslye; Gray; Hansen (Tom);
7 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
8 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
9 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Krebs

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1009: FOR AN ACT ENTITLED, An Act to repeal certain provisions relating to
15 licenses issued by the Board of Pharmacy.

16 Was read the second time.

17 The question being "Shall HB 1009 pass?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslye; Gray; Hansen (Tom);
22 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
23 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
24 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

25 Excused:

26 Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 HB 1010: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
30 statutes and rules related to the Department of Health.

1 Was read the second time.

2 The question being "Shall HB 1010 pass?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslye; Gray; Hansen (Tom);
7 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
8 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
9 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Krebs

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 HB 1026: FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary
15 statutes related to the Department of Social Services.

16 Was read the second time.

17 The question being "Shall HB 1026 pass?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslye; Gray; Hansen (Tom);
22 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
23 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
24 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

25 Excused:

26 Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

1 HB 1027: FOR AN ACT ENTITLED, An Act to repeal certain outdated or unnecessary
2 statutes related to the Division of Behavioral Health within the Department of Social Services.

3 Was read the second time.

4 The question being "Shall HB 1027 pass?"

5 And the roll being called:

6 Yeas 34, Nays 0, Excused 1, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
9 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
10 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
11 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

12 Excused:

13 Krebs

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 HB 1075: FOR AN ACT ENTITLED, An Act to allow certain property tax documents to
17 be transmitted electronically.

18 Was read the second time.

19 The question being "Shall HB 1075 pass as amended?"

20 And the roll being called:

21 Yeas 34, Nays 0, Excused 1, Absent 0

22 Yeas:

23 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
24 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
25 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
26 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

27 Excused:

28 Krebs

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state
2 employees and to the administration of state personnel matters.

3 Was read the second time.

4 The question being "Shall HB 1028 pass as amended?"

5 And the roll being called:

6 Yeas 34, Nays 0, Excused 1, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
9 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
10 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
11 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

12 Excused:

13 Krebs

14 So the bill having received an affirmative vote of a majority of the members-elect, the
15 President declared the bill passed and the title was agreed to.

16 HB 1044: FOR AN ACT ENTITLED, An Act to repeal certain statutes relating to the
17 Bureau of Intergovernmental Relations.

18 Was read the second time.

19 The question being "Shall HB 1044 pass?"

20 And the roll being called:

21 Yeas 34, Nays 0, Excused 1, Absent 0

22 Yeas:

23 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
24 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
25 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
26 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

27 Excused:

28 Krebs

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 169: FOR AN ACT ENTITLED, An Act to create certain watershed districts and to
3 establish the Regional Watershed Advisory Task Force.

4 Having had its second reading was up for consideration and final passage.

5 The question being on Sen. Hansen's pending motion to further amend SB 169 as found
6 on page 342 of the Senate Journal.

7 Sen. Gray requested a roll call vote.

8 Which request was supported.

9 And the roll being called:

10 Yeas 26, Nays 8, Excused 1, Absent 0

11 Yeas:

12 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Hansen (Tom); Hundstad;
13 Hunhoff (Jean); Kraus; Lederman; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell);
14 Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

15 Nays:

16 Gray; Haverly; Heineman; Holien; Johnston; Juhnke; Maher; Peters

17 Excused:

18 Krebs

19 So the motion having received an affirmative vote of a majority of the members present,
20 the President declared the motion carried.

21 169te

22 Sen. Brown moved that SB 169 be further amended as follows:

23 On the previously adopted amendment (169td), after subdivision (3) of Section 2, insert:

24 "Section 3. The provisions of this Act are repealed on January 20, 2015."

25 Which motion prevailed.

1 The question being "Shall SB 169 pass as amended?"

2 And the roll being called:

3 Yeas 23, Nays 11, Excused 1, Absent 0

4 Yeas:

5 Adelstein; Bradford; Buhl; Cutler; Frerichs; Fryslie; Hansen (Tom); Hundstad; Hunhoff (Jean);
6 Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Putnam; Rampelberg;
7 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

8 Nays:

9 Begalka; Brown; Gray; Haverly; Heineman; Holien; Johnston; Juhnke; Olson (Russell); Peters;
10 Rave

11 Excused:

12 Krebs

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 President declared the bill passed.

15 The question being on the title.

16 169ttb

17 Sen. Hansen moved that the title to SB 169 be amended as follows:

18 On page 1, line 1, of the Senate Agriculture and Natural Resources Committee engrossed
19 bill, delete "create certain watershed districts and to".

20 Which motion prevailed.

21 SB 186: FOR AN ACT ENTITLED, An Act to update the definition of the nonsectarian
22 textbooks that are loaned to certain students to include digital materials.

23 Was read the second time.

24 186cc

25 Sen. Heineman moved that SB 186 be amended as follows:

26 On page 1, line 14, of the Senate Education Committee engrossed bill, after "materials"
27 insert ", but not including any computer hardware".

28 Which motion prevailed.

1 The question being "Shall SB 186 pass as amended?"

2 And the roll being called:

3 Yeas 34, Nays 0, Excused 1, Absent 0

4 Yeas:

5 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
6 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
7 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
8 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

9 Excused:

10 Krebs

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 SB 191: FOR AN ACT ENTITLED, An Act to provide for authorization to offer
14 postsecondary education services in South Dakota.

15 Was read the second time.

16 The question being "Shall SB 191 pass as amended?"

17 And the roll being called:

18 Yeas 28, Nays 6, Excused 1, Absent 0

19 Yeas:

20 Adelstein; Begalka; Bradford; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
21 Heineman; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson
22 (Tom); Novstrup (Al); Nygaard; Olson (Russell); Putnam; Rampelberg; Rave; Rhoden;
23 Schlekeway; Sutton; Vehle

24 Nays:

25 Brown; Cutler; Holien; Peters; Tidemann; Tieszen

26 Excused:

27 Krebs

28 So the bill having received an affirmative vote of a majority of the members-elect, the
29 President declared the bill passed and the title was agreed to.

1 SB 75: FOR AN ACT ENTITLED, An Act to revise the determination of fees that may be
2 charged for certain public records.

3 Was read the second time.

4 75fe

5 Sen. Kraus moved that SB 75 be further amended as follows:

6 On page 1, line 7, of the Senate Local Government Committee engrossed bill, overstrike
7 "by transmitting it from a modem to an outside modem".

8 On page 1, line 8, overstrike "such" and insert "any".

9 On page 1, delete line 14, and insert:

10 "No fee may be charged for the electronic transfer of any minutes of a political subdivision,
11 board or agency of a political subdivision, or the governing board of an agency that levies
12 property taxes that were recorded in the last three years."

13 On page 2, delete lines 1 and 2.

14 Which motion prevailed.

15 The question being "Shall SB 75 pass as amended?"

16 And the roll being called:

17 Yeas 29, Nays 5, Excused 1, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman;
20 Holien; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup
21 (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway;
22 Tidemann; Tieszen; Vehle

23 Nays:

24 Brown; Buhl; Frerichs; Hundstad; Sutton

25 Excused:

26 Krebs

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

1 SB 108: FOR AN ACT ENTITLED, An Act to revise the maximum bet limit for
2 Deadwood gaming.

3 Was read the second time.

4 The question being "Shall SB 108 pass?"

5 And the roll being called:

6 Yeas 24, Nays 10, Excused 1, Absent 0

7 Yeas:

8 Adelstein; Begalka; Bradford; Brown; Buhl; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;
9 Heineman; Johnston; Juhnke; Lederman; Maher; Nelson (Tom); Nygaard; Olson (Russell);
10 Peters; Rampelberg; Rave; Sutton; Tidemann; Vehle

11 Nays:

12 Cutler; Holien; Hundstad; Hunhoff (Jean); Kraus; Novstrup (Al); Putnam; Rhoden; Schlekeway;
13 Tieszen

14 Excused:

15 Krebs

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 SB 37: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
19 natural resources conservation fund to the State Conservation Commission and to declare an
20 emergency.

21 Was read the second time.

22 The question being "Shall SB 37 pass as amended?"

23 And the roll being called:

24 Yeas 34, Nays 0, Excused 1, Absent 0

25 Yeas:

26 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);
27 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman;
28 Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg;
29 Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

1 Excused:
2 Krebs

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 SB 160: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
6 James River Water Development District.

7 Was read the second time.

8 160xa

9 Sen. Novstrup moved that SB 160 be further amended as follows:

On page 1, line 4, of the Senate Agriculture and Natural Resources Committee engrossed bill, after "District" insert "and may create the James Basin Water Development District".

12 Which motion prevailed.

13 The question being "Shall SB 160 pass as amended?"

14 And the roll being called:

15 Yeas 24, Nays 10, Excused 1, Absent 0

16 Yeas:

17 Adelstein; Begalka; Cutler; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien;

18 Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Peters;

19 Rampelberg; Rave; Rhoden; Schlekeway; Tieszen; Vehle

20 Nays:

21 Bradford; Brown; Buhl; Frerichs; Hundstad; Hunhoff (Jean); Olson (Russell); Putnam; Sutton;

22 Tidemann

23 Excused:
24 Krebs

25 So the bill having received an affirmative vote of a majority of the members-elect, the
26 President declared the bill passed and the title was agreed to.

SB 146: FOR AN ACT ENTITLED, An Act to provide for an affirmative defense of compulsion for the crime of prostitution.

Was read the second time.

The question being "Shall SB 146 pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

Excused:

Krebs

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 183: FOR AN ACT ENTITLED, An Act to establish the elements of the offense of juvenile sexting and to provide a penalty therefor.

Was read the second time.

The question being "Shall SB 183 pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

Excused:

Krebs

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SB 189: FOR AN ACT ENTITLED, An Act to provide a designation on certain nondriver identification cards, driver licenses, and permits that the card holders or licensees are honorably discharged veterans.

Was read the second time.

The question being "Shall SB 189 pass?"

And the roll being called:

Yeas 34, Nays 0, Excused 1, Absent 0

Yeas:

Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Lederman; Maher; Nelson (Tom); Novstrup (Al); Nygaard; Olson (Russell); Peters; Putnam; Rampelberg; Rave; Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

Excused:

Krebs

So the bill having received an affirmative vote of a majority of the members-elect, the President declared the bill passed and the title was agreed to.

SIGNING OF BILLS

The President publicly read the title to

SB 102: FOR AN ACT ENTITLED, An Act to clarify the procedures for the apportionment of funds among townships.

HB 1001: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sales and use tax.

HB 1076: FOR AN ACT ENTITLED, An Act to retain certain members of municipal governing bodies in office following the redistricting of municipal wards.

And signed the same in the presence of the Senate.

Sen. Novstrup moved that the Senate do now adjourn, which motion prevailed and at 4:06 p.m. the Senate adjourned.

Fee Jacobsen, Secretary